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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/045,311

10/24/2001

Greg Donnelly

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05/22/2006

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101 WEST BROADWAY

SUITE 900

SAN DIEGO, CA 92101-8285

EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/045,311 | Applicant(s)<br>DONNELLY ET AL. |  |
|                              | Examiner<br>Karen C. Tang     | Art Unit<br>2151                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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- This action is responsive to the amendment and remarks filed on 3/09/06.
- Claims 1-9 are amended are for further examination, Claim 40, 41 are newly entered claims and are ready for examination.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al hereinafter Aravamudan (US 6,301,609) in view of Luzzatti et al hereinafter Luzzatti (US 6,714,519).

1. Referring to Claim 1, Aravamudan discloses said method comprising:  
maintaining contact data records related to a plurality of network contacts (refer to Col 7, Lines 5-50).  
generating presence information related to the availability of one or more of said plurality of network contacts (refer to Col 10, Lines 50-67);  
delivering said presence information to one or more network subscribers (refer to Col 10, Lines 50-67);

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and initiating data communication between at least one of said network subscribers and one or more of said plurality of network contacts in accordance with said presence information (refer to Col 10, Lines 50-67).

Aravamudan did not expressly disclose initiating an audio or video call.

Luzzatti disclosed initiating an audio or video call (refer to Col 6, Lines 45-67).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both Aravamudan and Luzzatti since the arts are analogues.

The suggestion/motivation would have been that by having the audio/video call, it provides dynamic reveal the users availability status, and expertise the clear communication among subscribers.

2. Referring to Claim 2, Aravamudan discloses said maintaining includes maintaining a database comprising network address information related to each of said plurality of network contacts (refer to Col 6, Lines 40-67 and Col 7, Lines 1-50).

3. Referring to Claim 3, Aravamudan discloses said maintaining includes creating a community of interest comprising members representing selected contact data records (refer to Col 9, Lines 45-67).

4. Referring to Claim 4, Aravamudan discloses wherein said generating includes monitoring network activity of said one or more of said plurality of network contacts (refer to Col 9, Lines 10-45 and 50-67).

5. Referring to Claim 5, Aravamudan discloses wherein said delivering is responsive to request from said one or more network subscribers (refer to Col 7, Lines 20-50).

6. Referring to Claim 6, Aravamudan discloses wherein said delivering includes apprising said one or more network subscribers of the network status of said one or more of said plurality of network contacts (refer to Col 7, Lines 20-50 and Col 8, Lines 1-31).

7. Referring to Claim 7, Aravamudan discloses wherein said initiating includes identifying one of said plurality of network contacts as available targets (Col 7, Lines 1-20).

8. Referring to Claim 8, Aravamudan discloses wherein said initiating includes establishing data communication with one or more of said available targets (refer to Col 7, Lines 1-20).

9. Referring to Claim 9, Aravamudan discloses wherein said initiating includes establishing data communication with each of said members in said community of interest (refer to Col 7, Lines 1-20).

10. Referring to Claim 40, Aravamudan did not expressly disclose wherein said contact data records includes telephone numbers.

Luzzatti disclosed wherein said contact data records includes telephone numbers (refer to Col 7, Lines 15-35 and Col 8, Lines 1-10).

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both Aravamudan and Luzzatti since the arts are analogues.

The suggestion/motivation would have been that by having the audio/video call, it provides dynamic reveal the users availability status, and expertise the clear communication among subscribers.

11. Referring to Claim 41, Aravamudan did not expressly disclose wherein said audio or video data call is a Voice Over Internet Protocol.

Luzzatti disclosed wherein said audio or video data call is a Voice Over Internet Protocol (refer to Col 9, Lines 55-67 and Col 10, Lines 1-10).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both Aravamudan and Luzzatti since the arts are analogues.

The suggestion/motivation would have been that by having the audio/video call, it provides dynamic reveal the users availability status, and expertise the clear communication among subscribers.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9, 40, 41 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

Khanh Dinh  
Primary Examiner